

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

GEORGE BARTZ,

Plaintiff,

NO. CV-08-272-CI

vs.

ORDER GRANTING MOTION FOR
EXTENSION OF TIME

MAGGIE MILLER-STOUT,

Defendant.

BEFORE THE COURT is Plaintiff's Second "Motion for Leave to Enlarge Time to File First Amended Complaint" (Ct. Rec. 18). Plaintiff, a prisoner at the Airway Heights Correction Center, is proceeding *pro se* and has paid the full filing fee for this action; Defendant has not been served.

Plaintiff did not properly note his motion for hearing as required by LR 7.1(h), Local Rules for the Eastern District of Washington, as he noted it for hearing on a date which had already passed when the motion was received. Because Plaintiff is proceeding *pro se*, the court re-noted the motion for hearing and it was heard without oral argument on the date signed below. **PLAINTIFF IS CAUTIONED THAT ANY FURTHER MOTIONS SUBMITTED TO THE COURT WITHOUT PROPERLY NOTING THEM FOR HEARING IN COMPLIANCE WITH THE LOCAL RULES WILL NOT BE ADDRESSED BY THE COURT.**

Mr. Bartz has requested an extension of time until May 7, 2009, to

ORDER GRANTING MOTION FOR EXTENSION OF TIME -- 1

1 file his First Amended Complaint. The decision to grant an extension of
2 time is discretionary with the court. Fed. R. Civ. P. 6(b). For good
3 cause shown, **IT IS ORDERED** Plaintiff's Motion (Ct. Rec. 18) is **GRANTED**.
4 Plaintiff shall file an Amended Complaint or a Motion to Voluntarily
5 Dismiss on or before **May 7, 2009**. Failure to do so will be construed as
6 his consent to dismissal of this action as prescribed in the court's
7 Order filed October 6, 2008.

8 At this time, **IT IS FURTHER ORDERED** the Report and Recommendation
9 to Dismiss Compliant without prejudice (Ct. Rec. 17) is **WITHDRAWN**,
10 pending review of Mr. Bartz case on May 7, 2009. The District Court
11 Executive is directed to enter this Order, forward a copy to Plaintiff,
12 and **SET A CASE MANAGEMENT DEADLINE ACCORDINGLY**.

13 DATED March 25, 2009.
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s/ CYNTHIA IMBROGNO

17 UNITED STATES MAGISTRATE JUDGE
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